

VZCZCXRO0489
PP RUEHCHI RUEHDT RUEHHM RUEHNH
DE RUEHBK #3701/01 3540750
ZNR UUUUU ZZH
P 190750Z DEC 08
FM AMEMBASSY BANGKOK
TO RUEHC/SECSTATE WASHDC PRIORITY 5448
INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY
RUEHBJ/AMEMBASSY BEIJING PRIORITY 6626
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 5408
RUEHUL/AMEMBASSY SEOUL PRIORITY 5155
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 2537
RUEHCHI/AMCONSUL CHIANG MAI PRIORITY 5991
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RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEKJCS/CJCS WASHDC PRIORITY
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY

UNCLAS SECTION 01 OF 02 BANGKOK 003701

SENSITIVE
SIPDIS

STATE FOR EAP/MLS, NSC FOR PHU

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [ASEAN](#) [TH](#)

SUBJECT: "ASEAN CHARTER FOR ASEAN PEOPLE": GENUINE
COMMITMENT OR PR GIMMICK? THAI CIVIL SOCIETY VIEWS

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SUMMARY AND COMMENT

1. (U) Summary: A December 11 panel of academics and activists gathered at the Foreign Correspondents' Club Thailand (FCCT) to debate the validity of the ASEAN Charter's claim to be "an ASEAN Charter for ASEAN People." Most panelists questioned the ability of the Charter's regional architecture to stay relevant in the region's complex political, economic, and security environment, particularly in light of the past lack of ASEAN political will in promoting and protecting human rights based on a policy of noninterference. Some panelists argued that the Charter raised the bar on governance so high that no member would be able to fully comply, and that the Charter itself had the potential to destroy ASEAN. Human rights abuses inside Burma and the lack of an ASEAN response also dominated the discussion, suggesting that Burma will continue to challenge ASEAN should member countries ignore the needs of the Burmese people. Panelists also pointed to the lack of a meaningful ASEAN human rights mechanism as proof that ASEAN is intended to serve governments, and not people.

2. (SBU) Comment: Coming at a time of political uncertainty which led to the postponement of the ASEAN summits and an interim government in Thailand, the panel demonstrated the continued vigorous discourse ongoing in Thai civil society. With democratization at the forefront of many Thais' minds, many believe with dismay that ASEAN members are likely to put government interests and regional stability ahead of human rights enforcement. While Thais in the NGO community would welcome stronger moves by ASEAN to support democracy, and the incoming Democrat Party-led coalition has vowed to ensure that Thai foreign policy better reflects the fact that Thailand is a democracy, the jury remains out on how much the traditionally cautious RTG foreign policy may change. End Summary and Comment.

Non-Interference Threatens Viability of a People's Charter?

3. (U) Director of Chulalongkorn University's Institute of Security and International Studies Thitinan Pongsudhirak

opened a December 11 FCCT panel discussion on the ASEAN Charter by labeling it as "the platform of ASEAN's future." He reminded the crowd that ASEAN is the only regional organization in Asia to survive 41 years, but noted that less than 30 percent of all ASEAN agreements have been implemented. ASEAN became a legal entity on December 15 with the passing into force of the Charter, which sets benchmarks for democracy while reaffirming ASEAN's policy of non-interference in members' internal affairs and decision by consensus. Thitinan questioned what would happen in the likely event that a member violated the Charter, noting that ASEAN has a policy of noninterference and that any human rights provision will test this long-standing policy.

14. (U) Panelists also worried that the worldwide economic crisis would shift ASEAN members' attention away from pillar three, the "people-to-people" or socio-cultural element of ASEAN, to focus solely on pillars one (political) and two (economic). Thitinan stressed his belief in the long-term staying power of ASEAN, but worried that benchmarks set by the Charter, and ASEAN's status as a legal entity, could create havoc for ASEAN should the majority of countries fall short of the Charter's goals. The question remained of how ASEAN countries would react when a country violated the Charter.

Burma: A Thorn in ASEAN's Side

15. (U) Deputy Chairperson of the National Council of the Union of Burma (and panelist) Soe Aung said he felt "hopeless" about the ASEAN Charter's ability to serve the Burmese people -- in particular, given that ASEAN failed to reprimand the Burmese government following its reaction to

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the Saffron Uprising and Cyclone Nargis. Soe Aung noted that ASEAN even praised the Burmese military response to Cyclone Nargis, and that ASEAN members had failed to support the UN General Assembly Third Committee resolution on Burma. "By doing nothing," he said, "ASEAN is murdering its own charter." Soe Aung stressed that ASEAN must prove it has the political will and self-respect to enforce the Charter's people-centered initiatives.

Stability of Governments to Trump Human Rights?

16. (U) Human Rights Watch consultant (and panelist) Sunai Phasuk pointed out that ASEAN remained the world's only regional grouping that lacked a meaningful human rights mechanism. He argued that the Human Rights Body under consideration currently was intentionally "decorative." He claimed that the Terms of Reference (TOR) block ASEAN members' ability to counter human rights abuses by member countries, lamenting that the success of ASEAN and the Charter depend on governments' views rather than their effectiveness in meeting the needs of the people residing in ASEAN member countries. To illustrate this point, Sunai opined that ASEAN members cared only about domestic political turmoil in Thailand once the airports closed and impacted Thailand's ability to host the ASEAN summit; ASEAN governments appeared apathetic about what type of government would be running Thailand and how it would impact Thais.

17. (U) All panelists supported the continuation of ASEAN civil society and youth forums that could be relevant to the lives of ASEAN people. A representative from the ASEAN Youth Network who recently attended a camp program focused on food and energy concerns alongside 50 other teenagers from the Mekong sub-region said that "the Charter has good intentions, but is not practical."

JOHN